

OFFICIAL COPY

Fresno, California

March 30, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor John MaGee, Carter Memorial AME Church, gave the invocation, and an unidentified student from Edison Computech led the Pledge of Allegiance to the Flag.

PRESENTATION BY THE SUNNYSIDE HIGH SCHOOL CHOIR - COUNCILMEMBER DAGES

Removed from the agenda.

WELCOME AND INTRODUCTION OF THE LIPESTSK RUSSIA DELEGATION - PRESIDENT CASTILLO

PROCLAMATION OF POLICE CAPTAIN SHARON SHAFFER DAY IN HONOR OF WOMEN'S HISTORY MONTH - COUNCILMEMBER STERLING

CERTIFICATES OF RECOGNITION TO DISTRICT 7 STUDENTS OF THE QUARTER - ACTING PRESIDENT PEREA

CERTIFICATES OF RECOGNITION TO THE EDISON HIGH SCHOOL ACADEMIC DECATHLON TEAM FOR THEIR 1ST PLACE FINISH IN THE REGIONAL COMPETITION - PRESIDENT CASTILLO

PROCLAMATION OF DAVID MITCHELL - BOYS & GIRLS CLUBS YOUTH OF THE YEAR DAY - COUNCILMEMBER BOYAJIAN

The welcome and introductions were made and the certificates and proclamations were read and presented.

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APPROVE MINUTES:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of March 16, 2004, approved as presented.

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COUNCILMEMBER REPORTS AND COMMENTS:

COMMENDATION TO JACOB CANE, PUBLIC WORKS, FOR INSTALLATION OF NEIGHBORHOOD WATCH SIGNS, AND GARY DILLEY FOR ADDRESSING PROBLEM AT PEACH AND BUTLER AVENUES - COUNCILMEMBER DAGES

Commendation made.

SECURITY FOR COUNCIL CHAMBER - COUNCILMEMBER CALHOUN

Upon question, Assistant City Manager Souza advised the issue would be coming back to Council as part of General Services Department's FY 2005 budget **(2 - 0)**.

COMMENDATION TO CODE ENFORCEMENT, GRAFFITI AND PUBLIC WORKS STAFF FOR PARTICIPATING IN DISTRICT 7 NEIGHBORHOOD MEETINGS AND ADDRESSING NEIGHBORHOOD CONCERNS; AND JOSE BENAVIDEZ, TRAFFIC, AND KEN NERLAND, GENERAL SERVICES, FOR THEIR PROFESSIONALISM AND OUTSTANDING WORK - ACTING PRESIDENT PEREA

Commendations made.

REQUEST FOR TRAY MEMO/BREAKDOWN ON BUDGET/SPENDING FOR THE CESAR CHAVEZ EVENT - COUNCILMEMBER DUNCAN

Request made.

COMMENDATION TO JOSE BENAVIDEZ, TRAFFIC, AND POLICE DEPARTMENT FOR AN OUTSTANDING JOB IN ADDRESSING TRAFFIC ISSUES AT FRESNO HIGH SCHOOL; AND COUNCILMEMBER DAGES FOR HIS LEADERSHIP AND BEING THE MIDDLE MAN WITH LABOR UNIONS AND DEVELOPERS TO TRY TO MITIGATE SOME OF THE ZOOS ISSUES - COUNCILMEMBER BOYAJIAN

Commendations made.

REQUEST FOR TRAY MEMO ON (1) COMPLETION DATE FOR THE MCKINLEY AVENUE STREET PROJECT BETWEEN CHESTNUT AND MAPLE AVENUES, AND (2) STATUS ON INSTALLATION OF DRINKING FOUNTAIN AT THE END OF THE EATON TRAIL - PRESIDENT CASTILLO

Requests made.

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APPROVE AGENDA:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent calendar items were *not* routine and needed to be discussed/voted upon separately; relative to Items **1-F**, **1-G** and **1-H** questioned if all the chemicals were safe and if they would address water pollutants and explained; relative to **1-V** stated she wanted to see an address in southeast Fresno being monitored; relative to **1-I** spoke in opposition to random drug testing stating employees who are found to have a drug problem should be taken care of; questioned if Proposition 11/Special Gas Tax, was the proper funding source for item **1-R**; and relative to Item **1-U** noted this was the second extension and questioned if the city already had enough trucks.

Barbara Hunt, 2475 S. Walnut, questioned why funds were being appropriated to Clovis Unified in Item **1-F**; expressed various concerns with Items **1-W** and **1-I** and **1-A**, and spoke in support of Item **1-C**.

(1-A) APPROVE A SPECIAL LEASE AGREEMENT WITH MACERICH FRESNO LIMITED PARTNERSHIP (FASHION FAIR) FOR USE OF A PORTION OF A BUILDING AND PARKING ON THEIR PROPERTY BY THE POLICE DEPARTMENT AT NO COST TO THE CITY OF FRESNO

(1-B) APPROVE REAPPOINTMENTS OF CAM MALOY TO THE HISTORIC PRESERVATION COMMISSION, SHARI BOGGESS AND MAX FUTRELL TO THE CIVIL SERVICE BOARD, AND AL GRACE AND ROBERT KAST TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

(1-C) RESOLUTION NO. 2004-100 - 76TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$260,000 TO THE FIRE DEPARTMENT'S FY 2004 BUDGET FOR ENHANCEMENT AND CONTINUING OPERATION OF THE METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) PROGRAM

(1-E) ADOPT FINDINGS AND RECOMMENDATION OF THE HEARING OFFICER FOR AN APPEAL REGARDING THE LOW BID FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIR CARGO PARK DEVELOPMENT PROJECT, AND AWARD A CONTRACT TO FORD CONSTRUCTION COMPANY, INC., OF LODI, CA, IN THE AMOUNT OF \$9,264,245.50 FOR THE BASE BID PLUS ADD-ALTERNATES 1 AND 3 FOR PHASE ONE OF THE FYI AIR CARGO PARK DEVELOPMENT PROJECT

(1-F) AWARD A CONTRACT TO TOMCO EQUIPMENT COMPANY OF LOGANVILLE, GEORGIA, IN THE AMOUNT OF \$124,300 FOR A CARBON DIOXIDE STORAGE TANK TO BE USED FOR BULK CHEMICAL STORAGE AT THE CITY'S NEW SURFACE WATER TREATMENT FACILITY

Councilmember Calhoun noted only one bid was received but stated after talking with staff and the bid coming in below the estimate he had no problem supporting the award.

(1-G) AWARD A THREE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO GENERAL CHEMICAL PERFORMANCE PRODUCTS, LLC OF PARSIPPANY, NEW JERSEY, THE AMOUNT OF \$152,697.06 FOR BULK ALUMINUM SULFATE TO BE USED AS THE PRIMARY COAGULANT CHEMICAL AT THE NEW SURFACE WATER TREATMENT FACILITY

(1-H) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO CARUS CORPORATION OF PERU, ILLINOIS, IN THE AMOUNT OF \$115,534.13 FOR ORTHO/POLY PHOSPHATE BLEND (50/50) TO BE USED FOR INTERIOR PIPELINE COATING AT THE NEW SURFACE WATER TREATMENT FACILITY

(1-I) APPROVE MODIFICATIONS TO THE CURRENT POLICY REGARDING THE PRACTICE OF RANDOMLY SELECTING DESIGNATED "SAFETY SENSITIVE" EMPLOYEES FOR DRUG/ALCOHOL TESTING IN ACCORDANCE WITH FEDERAL LAW GUIDELINES

(1-J) AWARD A THREE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO PIONEER AMERICAS, LLC OF WALNUT CREEK, CA, IN THE AMOUNT OF \$129,485.06 FOR BULK SODIUM HYDROXIDE (CAUSTIC SODA) FOR USE AT THE NEW SURFACE WATER TREATMENT FACILITY

(1-K) RESOLUTION NO. 2004-101 - APPROVE THE FINAL MAP OF TRACT NO. 5101 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, SOUTH SIDE OF E. COPPER BETWEEN N. MAPLE AND N. CEDAR AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES
3. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ON CERTAIN LOTS WITHIN THE FINAL MAP OF TRACT NO. 5101 REQUIRED TO BE CONSTRUCTED AND MAINTAINED WITH FIRE SPRINKLER SYSTEMS
4. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1-L) RESOLUTION NO. 2004-102 - APPROVING THE FINAL MAP OF TRACT NO. 5148 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, NORTH SIDE OF W. SHIELDS BETWEEN N. BLYTHE AND N. BRAWLEY AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1M -1) RESOLUTION NO. 2004-103 - APPROVING THE SUMMARY VACATION OF BROWNING AVENUE BETWEEN CORNELIA AND MILBURN AVENUES

Councilmember Calhoun noted he and his staff looked at this issue closely and stated there would never be a Browning Avenue through there and he was comfortable with that.

(1M -2) RESOLUTION NO. 2004-104 - APPROVING THE FINAL MAP OF TRACT NO. 5098 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, SOUTHEAST CORNER OF W. BULLARD AND N. CORNELIA AVENUES

a. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

b. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-N) RESOLUTION NO. 2004-105 - APPROVING THE FINAL MAP OF TRACT NO. 5206 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHWEST CORNER OF W. KEARNEY BOULEVARD AND S. MARKS AVENUE (RUNNING HORSE PROJECT)

a. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES

b. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT-TO-FARM LAW

c. RESOLUTION NO. 2004-106 - 72ND AMENDMENT TO AAR 2003-209 APPROPRIATING \$124,200 FOR THE PURPOSE OF FUNDING RIGHT-OF-WAY ACQUISITION ALONG S. MARKS AVENUE AND W. KEARNEY BOULEVARD (UGM TRACT NO. 5206)

Councilmember Sterling stated today was the beginning of 50+ project homes and commended Running Horse developer Tom O'Meara for his solid project, for his patience and cooperation in working with the City, and for investing in the area.

(1-O) RESOLUTION NO. 2004-107 - RESCINDING RESOLUTION NO. 9142 TO REINSTATE THE "H" STREET NAME BETWEEN MERCED AND KERN STREETS

(1-P) APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH PETERS ENGINEERING GROUP IN THE AMOUNT OF \$10,294 FOR ADDITIONAL PREPARATION OF PLANS AND CONSTRUCTION DOCUMENTS FOR INTERSECTION IMPROVEMENTS AT FIRST AND TULARE STREETS, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE SAME

(1-Q) APPROVE THE PURCHASE OF A PORTION OF PROPERTY LOCATED ON CALIFORNIA AVENUE NEAR WEST AVENUE TO BE DEVELOPED TO A CITY WATER WELL SITE FOR PUMP STATION NO. 26B, FOR THE AMOUNT OF \$10,700, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-R) RESOLUTION NO. 2004-108 - 71ST AMENDMENT TO AAR 2003-209 APPROPRIATING \$720,000 FOR INSTALLATION OF FIBER OPTIC INTERCONNECT INFRASTRUCTURE FOR THE CLOVIS UNIFIED SCHOOL DISTRICT (CUSD)

(1-S) RESOLUTION NO. 2004-109 - APPROVING THE FINAL MAP OF TRACT NO. 5067 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, WEST SIDE OF N. WILLOW BETWEEN E. ALLUVIAL AND E. NEES AVENUES

a. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

b. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PLANTING AND MAINTAINING FRONT YARD TREES

c. RESOLUTION NO. 2004-110 - 77th AMENDMENT TO AAR 2003-209 APPROPRIATING \$60,000 FOR THE PURPOSE OF FUNDING FOR RIGHTS-OF-WAY ACQUISITION ALONG N. WILLOW AVENUE

(1-T) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC. (BCA) FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR REVISIONS TO THE LANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR HERNDON CANAL BRIDGE REPLACEMENT AT PALM AVENUE IN THE AMOUNT OF \$18,800, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

(1-U) APPROVE AMENDMENT NO. 2 (TIME EXTENSION) TO AGREEMENT C-1074 WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT HEAVY-DUTY ENGINE INCENTIVE PROGRAM TO RECEIVE \$778,991 TO BE USED TO PAY FOR THE MAJORITY OF THE INCREMENTAL COST OF 30 LIQUID NATURAL GAS (LNG) POWERED REFUSE TRUCKS

(1-V) APPROVE AGREEMENT WITH ADS ENVIRONMENTAL SERVICES FOR SEWER FLOW MONITORING EQUIPMENT MAINTENANCE AND REPAIR SERVICES, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-W) DETERMINING ARCHIE CRIPPEN EXCAVATION OF FRESNO IS A NON-RESPONSIVE BIDDER, AND AWARD A CONTRACT IN THE AMOUNT OF \$8,500 TO LEE CRIPPEN EXCAVATION OF FRESNO FOR THE DEMOTION OF A SUB-STANDARD STRUCTURE LOCATED AT 226 E. WHITESBRIDGE AVENUE

(1-X) RESOLUTION NO. 2004-111 - DECLARING RESULTS OF THE CONSOLIDATED DIRECT PRIMARY ELECTION HELD WITHIN THE CITY OF FRESNO ON MARCH 2, 2004

(1-Y) RESOLUTION NO. 2004-112 - 11TH AMENDMENT TO SALARY RES. 2003-213 RESCINDING THE PENSION ABILITY OF ANNUAL LEAVE PAYOUT FOR RETIREMENT PURPOSES FOR NON-REPRESENTED MANAGEMENT EMPLOYEES

(1-Z) AWARD A CONTRACT FOR \$18,100 TO THE PACIFIC INSTITUTE (TPI) TO CONTINUE FACILITATOR TRAINING/CERTIFICATION OF 36 ADDITIONAL CITY EMPLOYEES TO ACT AS TPI FACILITATORS, SUBJECT TO CITY ATTORNEY APPROVAL

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-A) DIRECT CITY MANAGER TO PREPARE A REPORT WITH ALTERNATIVES FOR POLICE TRAINING. IN THE INTERIM, REQUEST CITY MANAGER TO DIRECT THE POLICE DEPARTMENT TO CEASE TRAINING INVOLVING THE DISCHARGE OF FIREARMS AT THE FORMER U.S. DEPARTMENT OF AGRICULTURE SITE ON THE EAST SIDE OF PEACH AVENUE BETWEEN HAMILTON AND CALIFORNIA AVENUES - COUNCILMEMBER DAGES

Councilmember Dages stated although Chief Dyer had already taken care of the situation he thought it was necessary to ask for Council's approval to discontinue the training at the site, stated he knew the department needed the training but firearms that shoot blanks

were being discharged just 100 feet from residences and frightening people, and spoke further to the issue and made a motion to cease the training as this was also a safety and traffic issue.

143-99

3/30/04

Councilmember Calhoun stated he did not understand this issue at all as there was no backup material, and upon his request Chief Dyer explained the training that had been occurring there, advised training at the site had been discontinued and an alternate site on E. North Avenue had been located, and stated the long term solution was a training village and explained and added he would be coming back to Council to pursue that.

Barbara Hunt, 2475 S. Walnut, spoke in support of police needs and training.

Discussion ensued and Chief Dyer responded to questions/comments relative to the need to be sensitive to nearby residents, if the Auberry firing range had been considered, if staff was working with the Sheriff's department on the training village issue, Councilmember Sterling clarifying Council was supportive of the police department but council districts were different and needs/concerns were very important and seconded Councilmember Dages' motion, and Councilmember Perea stating he was unaware training facilities were lacking and questioned if the Public Safety Commission was looking at the issue and if it would appropriate to partner with Fresno City College.

Councilmember Calhoun noted Chief Dyer stated an alternate site had been located and he did not see a reason for the motion and putting something into the record that was already taken care of, and requested the motion be withdrawn, whereupon Councilmember Dages withdrew his motion. There was no further discussion.

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(9:30 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS-OF-WAY REQUIRED FOR PUBLIC STREET PURPOSES FOR THE NORTH AVENUE WIDENING PROJECT IN COUNCIL DISTRICT 3

1. RESOLUTION NO. 2004-113 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC STREETS PURPOSES - APNS 329-090-02, 329-180-08 AND 487-140-32 - NORTH AVENUE WIDENING PROJECT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Balch reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Sterling acknowledged eminent domain was a difficult issue to look at, stated she appreciated staff's work with the community and the acquisition was necessary for the project, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled Resolution No. 2004-113 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(9:45 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC STREET PURPOSES FOR THE SHAW AVENUE AND WEST AVENUE STREET WIDENING PROJECT LOCATED IN DISTRICTS 2 AND 7

1. RESOLUTION NO. 2004-114 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC STREET PURPOSES FROM APNs 424-060-08, 424-060-14, 424-060-15, 415-070-66S AND 425-021-01

President Castillo announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Balch reviewed the issue as contained in the staff report as submitted **(3 - 0)** and recommended approval.

143-100

3/30/04

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who questioned why streets were being widened and why eminent domain was needed; and Mrs. Bassi (first name unintelligible), who spoke to the business she purchased and how she was being cheated by the property owner and requested some assistance from the City.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Upon question, City Attorney Montoy advised Mrs. Bassi's problem was between her business and the property owner of record and further clarified issues. Acting President Perea stated the disagreement was not with the City, the intersection was very congested and needed the work, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Lengthy discussion ensued. President Castillo stated he had some difficulty with the issue, questioned whether Mrs. Bassi/her family were involved in the negotiations, expressed concern the family was misled -- intentionally or not, stated the City owed it to every member of the community to be fair, and questioned if action could be delayed to try to resolve the problem, with Ms. Montoy, an unidentified staff member, and Mrs. Bassi responding. Councilmember Sterling stated the lessee deserved the same consideration as a property owner, advised she would not support the motion unless a delay was granted to see if the issue could be resolved, and stressed everyone needed to be considered in this process. Acting President Perea stated he understood the concerns but he still supporting moving forward stating delaying the project would not help and would only continue the traffic problems in the area. Councilmember Boyajian stated he agreed the problem was between the business and property owner, stated this problem could take years to resolve and noted Mrs. Bassi had recourse through the court system, and presented numerous questions relative to the amount property being acquired, if the legal owners were those on record/on the deed, staff's research on the issue, if staff was aware of an oral agreement, if the taking of property would be an impediment to the Bassi's business, if staff relies on the city attorney's office to determine the legal property owner, if staff met with the property owner of record, staff's talks with the lessee and if they were aware of the disagreement, if staff saw anything to indicate any wrongdoing, and if litigation was involved.

On motion of Acting President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2004-114 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea
Noes	:	Sterling, Castillo
Absent	:	None

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(10:00 A.M.) HEARING ON THE VACATION OF PORTIONS OF WELDON, GLENN AND CALAVERAS AVENUES

1. RESOLUTION NO. 2004-115 - ORDERING THE SUMMARY VACATION OF PORTIONS OF WELDON, GLENN AND CALAVERAS AVENUES AND A PORTION OF THE WELDON-NORMAL ALLEY

President Castillo announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted,

Barbara Hunt, 2475 S. Walnut, questioned if eminent domain was involved and spoke to geographic impacts. Councilmember Calhoun briefly left the meeting at 10:38 a.m.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2004-115 hereby adopted, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Calhoun

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-73 AND ENVIRONMENTAL FINDINGS, FILED BY ED DANIELS, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. SHIELDS AND N. VALENTINE AVENUES IN DISTRICT 3

143-101

3/30/04

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-73, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-35 - ORDINANCE NO. 2004-35 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FORM C-6/UGM TO R-2/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun returned to the meeting at 10:40 a.m.

Planner Brock reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Al Solis, applicant representative, stated support for staff recommendation; and Barbara Hunt, 2475 S. Walnut, who spoke to LAFCO's approval and geographical/boundary issues. Councilmember Duncan briefly left the meeting at 10:45 a.m.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the Finding of Conformity with MEIR No. 10130 for the 2025 Fresno General Plan for E.A. No. R-03-73, dated January 29, 2004, hereby approved, and the above entitled Bill No. B-35 adopted as Ordinance No. 2004-35, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Duncan

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(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-03-070, SITE PLAN REVIEW APPLICATION NO. S-03-357, AND ENVIRONMENTAL FINDINGS, FILED BY PAUL STOMMEL ON BEHALF OF PERCY AND CRYSTAL WILLIAMS, SOUTHWEST CORNER OF N. CORNELIA AND W. DONNER AVENUES IN DISTRICT 2

1. CONSIDER AND ADOPT THE FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-070/S-03-357

2. BILL NO. B-36 - ORDINANCE NO. 2004-36 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PARCEL FROM R-P/UGM TO R-2/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan returned to the meeting at 10:47 a.m. Planner Brock reviewed the issue as contained in the staff report as submitted, displaying photographs of various street views on the overhead to illustrate, responded throughout to questions of President Castillo and/or clarified issues relative to the red tag item, attached petition, and neighborhood requests, and recommended approval.

Percy Williams, applicant, stated the project met general plan requirements and he was willing to meet/work with the opponents to resolve any concerns.

Speaking to the issue and/or expressing various concerns/opposition to the project were: Barbara Hunt, 2475 S. Walnut **(4 - 0)**; Melinda White, 4382 N. Cleo; Michelle Cox; Jean Thomas Reynolds; Armando Hernandez, 4392 Brix; Walter Winnett; and Robert Reynolds.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun spoke to and in support of the project, to the process that was undertaken, to the meetings offered to the neighborhood with the developer and how no one took up the offer, addressed various concerns expressed relative to school overcrowding and the document/petition from the Cornelia/Donner residents, to the city attorney's review of the document, to the requirement for mixed-

use projects and apartments being city-wide, and stated this was a good project and would be an exemplary addition to the neighborhood, and made a motion to approve staff's recommendation.

Councilmember Sterling spoke briefly in support of the project, and President Castillo presented questions relative to maintenance of the property, what the properties would look like, speakers' concern with ingress/egress points, and if the developer was willing to look at/consider a slanted exit, with Ms. Brock and Jim Quinn, project architect, responding throughout.

143-102

3/30/04

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the proposed Mitigated Negative Declaration prepared pursuant to E.A. No. R-03-070/S-03/357, dated February 11, 2004, hereby approved, and the above entitled Bill No. B-36 rezoning the subject property contingent upon the property being developed as approved with Site Plan Review Application No. S-03-357 hereby adopted as Ordinance No. 2004-36, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

(10:35 A.M.) HEARING ON PLAN AMENDMENT BO. A-03-15, REZONE APPLICATION NO. R-03-64, AND ENVIRONMENTAL FINDINGS, FILED BY KIRK POESCHEL ON BEHALF OF LIDESTRI FOODS, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E BUTLER AND S. TEMPERANCE AVENUES IN DISTRICT 5

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-03-15/R-03-64/C-03/218

2. RESOLUTION NO. 2004-116 - AMENDING THE 2025 FRESNO GENERAL PLAN

3. BILL NO. B-37 - ORDINANCE NO. 2004-37 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20 TO M-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Barnes gave an in-depth overview of the issue at length **(5 - 0)**, all as contained in the staff report as submitted, displaying exhibits on the overhead to illustrate, and recommended approval

Speaking further to the project/sauce process and in support were LiDestri Foods representative Joe Guagliardo, 923 Van Ness, Ste. 200, who submitted photographs, and Anthony Ciulla, LiDestri General Manager, and John LiDestri, President.

Continued speakers were: Kathy Bray, Chamber of Commerce, support; Carolina Jimenez-Hogg, Assistant County Administrative Officer for Economic Development, support; Barbara Hunt, 2475 S. Walnut, who spoke to jurisdictional issues; James Marshall, 277 Temperance, support; Gus Bronner, support; Fred Burkhardt, Economic Development Director, support; Doris Halemeier, 1032 Armstrong, opposed, who submitted a petition with 50+ names; and Karen Musson, representing Sunnyside Property Owners Association, who spoke to the need to make the facility aesthetically pleasing.

Mr. LiDestri stated this was a good project and requested Council's support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Dages (and his staff) displayed different brands of tomato products produced here, spoke in strong support of the issue, and **(6 - 0)** and made a motion to approve staff's recommendation. Councilmember Sterling, Acting President Perea and President Castillo all expressed their support and thanked LiDestri Foods and everyone involved in the project.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-03-15/R-03-64/C-03-218, dated March 1, 2004 hereby approved and the appeals denied; the above entitled Resolution No. 2004-116 adopted; and the above entitled Bill No. B-37 rezoning the property adopted as Ordinance No. 2004-37, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None

Absent : None

LUNCH RECESS - 12:36 P.M. - 2:04 P.M.

(2:00 P.M.) CONTESTED CONSENT CALENDAR:

143-103

3/30/04

(1-D) AWARD A CONTRACT TO LOCKWOOD GENERAL ENGINEERING OF VISALIA, CA, IN THE AMOUNT OF \$362,780.50 FOR INSTALLATION OF THE COVENTRY COURT SUBDIVISION MULTI-PURPOSE TRAIL

Councilmember Dages noted there was a \$200,000+ difference between the amount budgeted and the lowest bid and questioned what happens to the remaining funds, if those funds could go towards traffic signals, and where unexpended funds go in the budget, with City Attorney Montoy and City Manager Hobbs responding.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract hereby awarded to Lockwood General Engineering of Visalia, Ca, in the amount of \$362,780.50 for installation of the Coventry Court subdivision multi-purpose trail, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Sterling, Castillo
Noes : Perea
Absent : None

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-13 REZONE APPLICATION NO. R-03-062, CONDITIONAL USE PERMIT APPLICATION NO. C-03-212, AND ENVIRONMENTAL FINDINGS, FILED BY JCT DEVELOPMENT II LLC, THE ASCH FAMILY AND ASHLAN-BLYTHE PARTNERS, SOUTHWEST CORNER OF W. ASHLAN AND N. BLYTHE AVENUES

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-013/R-03-062/C-03-212/PM-2003-29

2. RESOLUTION NO. 2004-117 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN

3. RESOLUTION NO. 2004-118 - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-03-212

4. BILL NO. B-38 - ORDINANCE NO. 2004-38 - AMENDING THE OFFICIAL ZONE MAP TO REZONE APPROXIMATELY 6.22 ACRES OF PROPERTY FROM AE-5/UGM TO S-L/UGM, AND THE REMAINING 2.44 ACRES FROM AE-5/UGM TO C-6/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Brock reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Dirk Poeschel, 923 Van Ness, on behalf of the applicant, who spoke briefly to the project and requested support; and Barbara Hunt, 2475 S. Walnut, who expressed various concerns with the West Area Community Plan.

Upon all, no one else wished to be heard and President Castillo closed the hearing.

Ms. Brock responded to questions of Councilmember Boyajian and/or clarified issues relative to the widening of Ashlan Avenue, if there would be commercial at all four corners, if Caltrans reviewed the issue, and the office portion of the project. A motion and second was made to approve staff's recommendation. Councilmember Calhoun spoke briefly in support stating this was a good project and would go a long way towards solving problems at the intersection.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Mitigated Negative Declaration prepared for E.A. No. A-03-013/R-03-062/C-03-212/PM-2003-29, dated February 11, 2004, hereby approved; the above entitled Resolution Nos. 2004-117 and 2004-118 adopted; and the above entitled Bill No. B-39 approving Rezone Application No. R-03-062 consistent with the proposed plan amendment adopted as Ordinance No. 2004-38, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

- - - -

The City Council recessed at 2:31 p.m. and convened in joint session with the Fresno Joint Powers Financing Authority.

(11:00 A.M. #2) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA)

143-104

3/30/04

(“A”) ELECT JPFA CHAIRPERSON AND VICE CHAIRPERSON

A motion and second was made to elect Mayor Autry as Chairperson.

Barbara Hunt, 2475 S. Walnut, spoke to the legality of the JPFA.

On motion of Councilmember Duncan, seconded by President Castillo, duly carried, RESOLVED, Mayor Autry elected Chairperson of the JPFA, by the following vote:

Ayes : Autry, Duncan, Castillo
Noes : None
Absent : None

A motion and second was made to elect President Castillo as Vice Chairperson.

Barbara Hunt, 2475 S. Walnut, spoke to the legality of the Mayor’s name.

On motion of Councilmember Duncan, seconded by Chair Autry, duly carried, RESOLVED, President Castillo elected JPFA Vice Chairperson, by the following vote:

Ayes : Castillo, Duncan, Autry
Noes : None
Absent : None

(“B”) HEARING TO CONSIDER THE ISSUANCE OF LEASE REVENUE BONDS, SERIES 2004, BY THE JOINT POWERS FINANCING AUTHORITY IN AN AMOUNT NOT TO EXCEED \$60 MILLION FOR THE PURPOSE OF FINANCING VARIOUS CAPITAL IMPROVEMENTS AND ITS PUBLIC BENEFIT TO THE CITY

1. COUNCIL RESOLUTION NO. 2004-119 - APPROVING THE ISSUANCE BY THE JPFA OF LEASE REVENUE BONDS (VARIOUS CAPITAL IMPROVEMENTS), SERIES 2004, TO FINANCE CERTAIN CAPITAL IMPROVEMENTS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF LEASES, SUBLEASES, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZE EXECUTION OF DOCUMENTS AND TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING

2. JPFA RESOLUTION NO. 18 - AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE BONDS (VARIOUS CAPITAL IMPROVEMENTS), SERIES 2004, TO FINANCE CERTAIN CAPITAL IMPROVEMENTS OF THE CITY; AUTHORIZING THE PROCUREMENT OF BOND INSURANCE; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT, LEASES, SUBLEASES, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING THE EXECUTION OF DOCUMENTS AND TAKING OF ALL NECESSARY ACTIONS RELATING TO THE BONDS

Chair Autry announced the time had arrived to consider the issue and opened the hearing. Controller Quinto gave an in-depth overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to funding the Federal courthouse and to issuing the bonds **(7 - 0)**.

Councilmember Duncan complimented staff on the transaction and pulling all the elements together into one bond issue, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun who commented on related matters and in support of the issue. Ms. Quinto responded to questions of Councilmember Boyajian relative to paying off the Calcot agreement. Councilmember Sterling commended staff and spoke in support of the issue and projects that will be funded, and advised she just learned the Running Horse project was going to be financed the developer. Acting President Perea stated he did not support all the projects that would be funded but he did support the fire department improvements, the Santa Fe Depot, and he parking structure.

Mr. Quinto, City Manager Hobbs and City Attorney Montoy responded to numerous questions, comments and/or concerns of Councilmember Dages and President Castillo relative to the Coventry Court project, Fire Station No. 15, the State deficit and concern with a bond being approved because the State took the city's money, concern that specific projects were not identified when Council decided to bond, and concerns with the parking garage for the Federal courthouse and the Coventry Court projects being included in the bond.

143-105

3/30/04

Mayor Autry thanked his financial team, stated he was glad to hear Council's scrutiny, and stated these projects were targeted investments that would keep the city moving forward.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2004-119 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling
Noes : Dages, Castillo
Absent : None

On motion of Councilmember Duncan, seconded by Mayor Autry, duly carried, RESOLVED, the above entitled JPFA Resolution No. 18 hereby adopted, by the following vote:

Ayes : Duncan, Autry
Noes : Castillo
Absent : None

- - - -

The joint bodies adjourned their meeting at 3:27 p.m. and the City Council reconvened at 3:29 p.m.

(11:00 A.M. #3) DIRECTION REGARDING LOCAL OPTIONS TO ADDRESS STATE EFFORTS TO PASS THE STATE DEFICIT ONTO CITIES - MAYOR AUTRY

Mayor Autry reviewed the issue at length, all as contained in the staff report as submitted; stated the impact to the city since 1994 with the loss of revenues from property tax, sales tax and vehicles license fees was over \$150 million and noted the amount that could be added for 2005 was over \$17 million if this matter is left unaddressed by the cities and counties in the state; stressed the city could not remain silent and elaborated **(8 - 0)**; and emphasized the city of Fresno needed to take action, put politics aside and do what was right for future generations, and requested Council authorize the submission of a position paper detailing the city's legal and policy concerns with the State action.

Barbara Hunt, 2475 S. Walnut, spoke to various State issues.

Councilmember Calhoun commended the Mayor for his leadership and thanked him stating this was a very important initiative and very appropriate; commented on the issue and read a statement into the record at length relative to a related proposition that would be on the November ballot -- the 2004 Local Taxpayers and Public Safety Protection Act; and stated to give in and take the brunt of the State's problems was wrong and made a motion to approve staff's recommendations, which motion was seconded and acted upon after discussion.

Councilmembers Dages, Sterling and President Castillo all spoke in support of the issue and commended the Mayor. Councilmember Duncan commented on the issue and presented questions relative to the plan after submission of the position paper, the Mayor's plan to try and change the direction of the Governor's proposed budget, plans to address the \$1.3 billion shortfall and if the local delegation was going to work with the city on that issue, the issue of the Mayor and the Governor not being a conflict between two friends who strongly disagree as much as was an issue affecting the city and elaborated, need to engage the local legislators, and support for the

Mayor and standing up to the State and regret it was not done before **(9 - 0)**, with Mayor Autry responding throughout. Acting President Perea stated he was glad to see Council's support.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, (1) the submission of a "position paper" detailing the city's legal and policy concerns with the State action hereby authorized, (2) the paper to be submitted Governor Schwarzenegger, the City's local Legislative representatives, the Chairs of major Legislative committees, the League of California Cities, the California State Association of Counties and others describing how the State's action since 1992 have impacted Fresno to a degree different from other large cities in California as described in the *Meeting the Challenge* report, (3) Council to continue litigating the Triple Flip sales tax legislation, and staff and the City Attorney directed to monitor proposed legislation reducing the City's property tax by shifting more property taxes to ERAF, which would implement the Governor's proposed budget, and , if such legislation is enacted, a meeting to again be held to consider whether a "home rule" argument can be made, based on the three criteria described for a "home rule" argument, by the following vote:

143-106

3/30/04

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

The City Council recessed at 4:24 p.m. and convened in joint session with the Redevelopment Agency.

(3:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF MARCH 9, 2004

On motion of Councilmember Sterling, seconded by President Castillo, duly carried, RESOLVED, the Agency minutes of March 9, 2004, approved as submitted.

(“A”) RECEIVE AND GIVE DIRECTION TO STAFF TO DEVELOP A TWELVE (12) MONTH EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND FOREST CITY DEVELOPMENT CALIFORNIA, INC. (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and recommended staff be directed to develop and process back to the Agency board an agreement with Forest City.

Andres Freidman, Forest City, and Bob Shaffer, AIA, Johnson Fain architectural firm, gave an overview of the proposed mixed-use project and their belief in it, spoke to their experience, and stated they looked at Fresno as a place where there were real opportunities and explained.

Agency Director Fitzpatrick spoke briefly to the background of the issue, to the process in developing the agreement, and to the importance of the stadium as a catalyst for this project.

Speaking to various issues were: Hal Tokmakian, 2127 E. Garland, vehicles on Fulton Mall/need for a comprehensive review of all projects taking place downtown; Glenn Lundeen, 2724 E. Millbrae; Bruce Morris, 1353 Calaveras/764 “P” St., Ste. K, need for a more open review of project; Tom Bailey, President, Fresno Area Residents for Rail Consolidation, 1713 Tulare, need to consider intermodal station; Dennis Manning, 1162 N. Chapel Hill, Clovis, Rail Consolidation, need for full transportation plan; John Hutson, 3688 N. Delno, Executive Director/Financial Secretary, Building Trades/AFL-CIO, support for the project; Larry Kragh, 645 Broadway, concern for downtown business owners; Elena Ochoa, 1039 Fulton Mall; support; Leon Green, 40 W. Holland, support; and Linda Zachritz, 2014 Tulare Street, need to look at all projects together/importance of maintaining integrity of Fulton Mall.

Upon call, no one else wished to be heard and Chair Boyajian closed public testimony.

Mr. Fitzpatrick responded to various issues expressed by speakers and responded to questions of Chair Boyajian relative to whether any consideration had been given to putting all downtown projects together. Councilmember Sterling spoke to and in support of the issue

at length and made a motion to approve staff's recommendation, which motion was seconded and later acted upon. Mr. Fitzpatrick, Chief Assistant City Attorney Sanchez and Mr. Friedman responded to questions and/or concerns of Councilmember Dages, President Castillo and Chair Boyajian relative to business notification, studies from other firms (**10 - 0**), concern with first hearing about the proposal in the Fresno Bee, if Forest City was a developer and their work in Fresno, if this would be a union/prevaling wage project, interest of other companies, confidentiality issue and need for Councilmembers to be "in the loop", segregation of projects and combining them had been discussed, what the detriment would be of incorporating all projects, input of the Downtown Fresno Coalition/including them in the negotiation process/including the involvement of the Coalition in the motion, if there will be a master EIR for the 2010 Plan, if Forest City was aware of downtown's plans and if they felt it was important to look at all the projects together, and project phases. Chair Boyajian and President Castillo expressed their support and welcomed Forest City to Fresno.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, Agency staff directed to develop and process back to the Agency Board a twelve (12) month Exclusive Negotiation Agreement with Forest City development California, Inc. (Forest City) for master planning and development of a project area as generally shown in Attachment A of the Report to the Agency, by the following vote:

143-107

3/30/04

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

- - - -

The joint bodies adjourned their meeting at 5:27 p.m.

RECESS - 5:27 P.M. - 5:36 P.M. Acting President Perea arrived later.

(11:00 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-03-06, REZONE APPLICATION NO. R-03-38, AND ENVIRONMENTAL FINDINGS, FILED BY SHERMAN SCRAWLING OF THE WERFEL FAMILY LIMITED PARTNERSHIPS, PROPERTY LOCATED ON THE NORTHEAST CORNER OF S. ORANG AND E. CALIFORNIA AVENUES I DISTRICT 5

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR E.A. O. A-03-06/R-03-38

2. RESOLUTION NO. 2004-120 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-39 - ORDINANCE NO. 2004-39 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M - 1 TO R-1

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner James advised the staff report as presented was complete. Councilmember Dages stated this was a great project and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and President Castillo closed the hearing..

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-03-06/R-03-38, dated February 18, 2004, hereby approved; the above entitled Resolution No. 2004-120 hereby adopted; and the above entitled Bill No. B-30 rezoning the subject property adopted as Ordinance No. 2004-39, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Sterling, Castillo
Noes : None
Absent : Perea

- - - -

(11:00 A.M. #4) AUTHORIZE THE CITY MANAGER TO NEGOTIATE THE PURCHASE OF THE WESSON PROPERTY LOCATED AT 761 W. HAMMOND AVENUE FOR PUBLIC BENEFIT - MAYOR AUTRY AND COUNCILMEMBERS STERLING AND DUNCAN

Councilmember Sterling reviewed the issue, stated the City needed to act quickly as others could purchase the property, advised community meetings would be held on the use of the property and added suggestions were already coming in, stated the intent was to

purchase the property so the area would not be reflective of the crime and the site would not be a showpiece, and requested Council's support. Councilmember Duncan thanked Councilmember Sterling for her leadership and , spoke in support and stated this action was necessary to so the neighborhood could get back on a normal tack, and advised two companies had already offered to demolish the structure for free.

Councilmember Boyajian questioned where the funds to purchase the property would come from, stated he saw this differently and was looking at it from the City's standpoint, stated he would rather see the money go to staff so they could be more proactive, and stated there were a lot of other vacant buildings that needed to be addressed and to spend that kind of money concerned him, with City Manager Hobbs responding to questions. Councilmember Calhoun stated he was opposed and time and more thought was needed, stated Councilmember Boyajian was correct and this was a housing issue, and made a motion to refer the issue to the city's Housing Task Force. Mr. Hobbs stated the Mayor supported the acquisition and demolition and wanted the property to be used as a learning center with details to come later. Councilmember Dages stated emotion should not overtake business sense and questioned if the site was in a redevelopment area, with Mr. Hobbs responding affirmatively. Upon call, Councilmember Boyajian seconded the motion on the floor.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to refer the matter to the Housing Task Force failed, by the following vote:

143-108

3/30/04

Ayes : Boyajian, Calhoun, Castillo
Noes : Dages, Duncan, Perea, Sterling
Absent : None

Councilmember Sterling clarified the matter would go through the property channels, noted the building was commercial and details on its condition were unknown, and made a motion to authorize the city manager to negotiate the purchase of the property. City Attorney Montoy clarified final determination and action would be back to Council. Lengthy discussion ensued with Councilmember Boyajian and President Castillo speaking to the issue at length and expressing their concerns. Councilmember Sterling stated she knew money was an issue but clarified the city manager was only being asked to look into purchasing the property, and stressed this matter needed to be tied up as the district needed it due to the blighted area and the terrible tragedy that occurred. **(11 - 0)** Councilmember Duncan added staff was being asked to enter into a negotiation process, stated whether stronger code enforcement would have prevented the tragedy was not the issue at all, and reiterated no final decision was being made this date and staff would return with a cost analysis. Ms. Montoy responded to additional questions of President Castillo relative to when the building could be demolished. President Castillo pointed it could be years before the building could be demolished, advised he worked with a man who lived next door to the property and his wish was for the City to leave the place alone, and stated he would follow the man's wish.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the city manager authorized to negotiate the purchase of the Wesson property and report back in 45 days, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling
Noes : Boyajian, Calhoun, Castillo
Absent : None

- - - -

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-03-59 AND ENVIRONMENTAL FINDINGS, FILED BY VIC DEVERIAN, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. DAKOTA AND N. TEMPERANCE AVENUES IN DISTRICT 4
1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. -04-59/C-03-204/T-5237
2. BILL NO. B-40 - ORDINANCE NO. 2004-40 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM R-A/UGM TO R-1/EA/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. A Planning & Development Department staff member advised the staff report was complete and there was nothing to add, and a motion and second was made to approve staff's recommendation.

Fred Rabe, Civil Engineer, representing the applicant, stated he supported staff's recommendation and requested approval.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Boyajian stated he could not support the project due to the lack of a CEQA analysis and the cumulative impacts with other projects in the area.

On motion of President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-03-59/C-03-204/T-5237 dated February 24, 2004, hereby approved, and the above entitled Bill No. B-40 rezoning the project site adopted as Ordinance No. 2004-40, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : Boyajian
Absent : None

(4:30 P.M.) RESOLUTION NO. 2004-121 - SUPPORTING THE ESTABLISHMENT OF A SPECIAL RELATIONSHIP WITH BA'QUBAH, IRAN, AND A TEMPORARY COUNCIL COMMITTEE TO FURTHER DEVELOP THE ELEMENTS OF THE RELATIONSHIP - COUNCILMEMBERS DAGES AND DUNCAN

143-109

3/30/04

Councilmember Duncan reviewed the issue at length, noted a document passed by the City Government of Ba'Qubah was asking that a special relationship be established and noted this historical document was the first resolution in the history of Iraq issued by a new and free democracy, and stated this was about helping our fellow man, making Ba'Qubah's police strong, and bringing our people home.

Speaking further to the issue, to the trip to Iran to take the surplus police equipment, to the meaning of the resolution, and to Operation Brotherhood of the Badge were Officers Mike Harris, Brian Burry and Ken Carlson, with Officer Harris displaying photographs of the trip to illustrate and introducing Bonnie Strokel and her grandson Josh Young, whom he advised drove down from Tucson, Arizona and personally brought over 100 ballistic vests for the cause.

Councilmember Dages spoke in support and stated he appreciated everything the team did, and made a motion to adopt the resolution, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Boyajian stated this was political, noted there were so many needy people in other poor countries also getting killed and elaborated, spoke briefly to his serving in the military, questioned how far this would go and if governments were being restructured, and added it sounded like the City would be providing staff, with City Attorney Montoy responding. Councilmember Calhoun stated he was unclear as to what was before Council and explained, stated Fresno's police officers were engaging in quasi-military activity and he was very concerned for our officers, and stated he felt this issue was beyond his authority as a council member and he could not support the motion as long as it was linked to our police department adding he wanted to be convinced our officers would not be compromised. City Manager Hobbs advised Mayor Autry supported this volunteer effort. Councilmember Duncan stated wrong conclusions were being arrived at; stressed something special was before Council and reiterated the intent was to try to help and get our troops back home; and expressed his concern emphasizing this was about humanity and strongly urged Council's support to explore and see if Fresno could help Ba'Qubah get their feet on the ground. Acting President Perea congratulated and commended everyone involved **(12 - 0)** and stated the national new story was great, commended the people from Arizona for their contribution and commitment, and stated he appreciated what Fresno's police officers were doing. President Castillo stated everyone was free to express their views and opinions and added that was what our soldiers were fighting for, stated this was about helping our brothers and sisters in Iraq and acknowledging the problems here stated it did not hurt to reach out across the globe and help others as well, stated it was unfortunate this would not be a 7-0 vote like Ba'Qubah's resolution, and clarified he was supporting this technically as Ba'Qubah's resolution noted the agreement was sanctioned by the City of Fresno and endorsed by Congressman Radanovich stating that told him this was a little bit political.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-121 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling, Castillo

Noes : Boyajian
Absent : None
Abstain : Calhoun

**(5:00 P.M.) HEARING ON REQUEST FOR REPEAL OF ISSUANCE OF DEMOLITION PERMIT (APPLICATION NO. 04-000076)
FOR THE MCMAHANS BUILDING AT 945 VAN NESS AND 2060 TULARE STREET**

President Castillo announced the time had arrived to consider the issue and opened the hearing.

Supervising Planner Unruh reviewed the issue as contained in the staff report as submitted, advised staff still contended CEQA requirements had been met and the demolition permit was issued properly, and recommended the appeal be denied. Historic Preservation Project Manager Hattersley-Drayton gave a PowerPoint presentation on the history of the McMahan's Building, and Bridget Maley, Senior Associate, Architectural Resources Group (ARG), spoke to the historical evaluation undertaken by the firm and the finding that the building did not possess enough integrity in its physical appearance to convey its significance.

143-110

3/30/04

Speaking to the issue were: Jeannette Jurkovich, 1130 W. Roberts, opposed to demolition/staff recommendation; Stanley Kooyumjian, 2014 Tulare St. #713, support for staff's recommendation; Doug Vagim, 1034 N. Poplar, opposed; Kathy Omachi, Chinatown Revitalization, 1433 Kern Street, request for delay/allow exploration of options; Bruce Owdom, 5250 N. Palm #402, representing the appellant, opposed, who also submitted written material into the record, on file in the office of the city clerk; Elena Ochoa, 1039 Fulton Mall, support; Richard Harriman, 4231 N. West, on behalf of Valley Advocates, support for Heritage Fresno's arguments; Roger Taylor, 4557 E. Pico, **(13 - 0)** need for Council to listen to variety of experts/delay demolition; Barry Price, 1278 W. Twain, opposed; and a woman whose name was unintelligible, 152 N. Effie.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun stated the building had been vacant for years and it was unattractive and dangerous, noted the city had been trying to work with the property owner for twenty years, stated the vacant building ordinance was sending a clear message to property owners, and made a motion to approve staff's recommendation. Councilmember Boyajian spoke to his belief in and research of CEQA and stated he did not find a tie in this case, stated the building had no significance with the Rowell Family as he spoke with them, and stated the building was a real detriment to the area and added the city was doing what was right for downtown. Councilmember Duncan stated the City does not tear down historical buildings and spoke in support of staff's recommendation. City Attorney Montoy responded briefly to questions of President Castillo relative to what would happen if Council voted for CEQA and the building was found to have historic significance, with Ms. Montoy advising staff was currently working on a strategy for surveys and for an objective review of various buildings.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Planning & Development Department's issuance of a demolition permit for the McMahan's Building at 945 Van Ness and 2060 Tulare Street hereby affirmed, and Council finds that CEQA requirements have been met, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(2-A) BILL NO. B-32 - ORDINANCE NO. 2004-41 - ADDING ARTICLE 6 TO CHAPTER 3 OF THE FRESNO MUNICIPAL CODE RELATING TO REGULATING COMMUNICATIONS WITH THE MAYOR AND COUNCILMEMBERS DURING COMPETITIVE CONTRACTING PROCESS - COUNCILMEMBER DAGES

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-32 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY ARMANDO OLVERA EXPRESSING CONCERNS WITH OPERATION CLEAN-UP AND PEOPLE PLACING JUNK IN THE STREETS ONE MONTH AHEAD OF SCHEDULED PICK-UP DATE

Appearance made with President Castillo concurring with Mr. Olvera's concerns. Upon request, City Manager Hobbs stated he would provide a tray memo on the program and related issues.

DEDICATION OF RUNNING HORSE PROJECT - COUNCILMEMBER STERLING

Councilmember Sterling advised the dedication was held this date and that Mr. O'Meara, the developer, obtained private financing and would not be asking the City to issue bonds.

143-111

3/30/04

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:19 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the __14th__ day of _____April_____, 2004.

_____/s/_____
Brad Castillo, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

143-112

3/30/04
